

LABOUR DEPARTMENT

The 7th Jan., 1986

No. 9584-6Lab/11023.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s R. M. Control Pvt. Ltd., 13/3, Mathura Road, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 409 of 1985

between

SHRI RAM KISHAN, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S
R. M. CONTROL PVT. LTD., 13/3, MATHURA ROAD, FARIDABAD

Present—

Workman in person with Shri D. S. Singh
Shri Jagbir Singh for the management.

AWARD

This industrial dispute between the workman Shri Ram Kishan and the respondent management of M/s R. M. Control Pvt. Ltd., 13/3, Mathura Road, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana vide his order No. 1D-1D/126-85/30690-95, dated 23rd July, 1985, under section 10(1) (c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are as follows—

Whether the termination of services of Shri Ram Kishan was justified and in order? If not, to what relief is he entitled?

The workman has settled his dispute with the respondent management. He has received Rs 500.00 in full and final settlement of all his claims. He has no right of reinstatement/re-employment. Hence the award is given that the dispute has been fully settled.

Dated 26th November, 1985.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Encl. No. 3636, dated 10th December, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9584-6Lab/11029.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Chander Nagar Filterates Pvt. Ltd., Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 296 of 1985

between

SHRI CHOTAK, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S CHANDER
NAGAR FILTERATES PVT. LTD., GURGAON

Present—

Workman with Shri Shardha Nand.
Shri Mahesh Sahay with Shri H. L. Dang, for the respondent management.

AWARD

This industrial dispute between the workman Shri Chotak and the respondent-management of M/s. Chander Nagar Filterates Pvt. Ltd., Gurgaon, has been referred to this Court by an Hon'ble Governor of Haryana,—*vide* his order No. ID/GGN/22127-29, dated 22nd May, 1985, under section 10(i)(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Chotak was justified and in order? If not, what relief is he entitled to?

The parties have settled their dispute. The statements of the workman and Shri Mahesh Sihave have been recorded. The workman has been reinstated with continuity of service, but without back wages. Hence the award is given that the workman is entitled to reinstatement with continuity of service but without back wages.

R. N. SINGAL,

Dated 11th November, 1985.

Presiding Officer,

Labour Court, Faridabad.

Endorsement No. 3642, dated 10th December, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 10 of the Industrial Disputes Act, 1947.

R. N. SINGAL,

Presiding Officer,

Labour Court, Faridabad.

No. 9/5/84-6Lah/11030.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and management of M/s. Nibro Ltd., Delhi Road, Gurgaon.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER
LABOUR COURT, FARIDABAD

Reference No. 292 of 1985

between

SHRI CHARAN SINGH, WORKMAN AND THE RESPONDENT-MANAGEMENT
OF M/S. NIBRO LTD., DELHI ROAD, GURGAON

Present.—

Shri S. K. Goswami for the workman.

Shri M. P. Gupta for the respondent management.

AWARD

This industrial dispute between the workman Shri Charan Singh and the respondent management of M/s. Nibro Ltd., Delhi Road, Gurgaon, has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/GGN/40-85/24294-99, dated 5th June, 1985, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Charan Singh was justified and in order? If not, to what relief is he entitled to?

According to the demand notice, the workman was called in the office and he was forced to give resignation under duress, threat and coercion and also got signatures on vouchers and acceptance letters but in fact no amount was paid to him. The reference before this court is as follows:—

Whether the termination of services of Shri Charan Singh was justified and in order? If not, to what relief is he entitled to?

There is no reference before this court if the resignation of the workman was obtained in duress, threat or coercion. Hence this court cannot decide if this resignation was obtained in alleged circumstances. According to judgement of Bombay High Court in *Sitaram Vishnu Shirodkar vs. The Administrator, Government of Goa and others*, 111 J-1 1988 page 481, in which it is held as follows:—

This court cannot travel beyond the reference and decide the question whether the respondent has abandoned his services. That the petitioner had terminated the services of the workman was an act fastened on the employer by this reference and the only question left open for decision was whether the termination was legal and proper. Real reference was not made subject-matter of the reference and the reference itself was bad and was, liable to be quashed.

It has been also held by the Hon'ble Supreme Court in *M/s. Fire Stone Tyres and Rubber vs. Workmen*; 1981 AIR-S. C. page 1626 that the Tribunal cannot travel outside the term of reference. In these circumstances, I find that the reference is bad in law. It is left open to the Government to consider whether fresh reference should be made or not.

This reference stands disposed of accordingly.

Dated 11th November, 1985.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3643, dated 10th December, 1985.

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act.

R. N. SINGAL,

Presiding Officer,
Labour Court, Faridabad.

No. 9/5/84-6Lab/11031.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Raj Engineering & Foundry, Plot No. 368, Sector 24, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 197 of 1985

between

SHRI LEHRI KHAN, WORKMAN AND THE RESPONDENT MANAGEMENT OF
M/S RAJ ENGINEERING & FOUNDRY, PLOT NO. 368, SECTOR 24,
FARIDABAD

Present:—

Shri Ganga Ram Arya, for the workman

None for the respondent-management.

AWARD

This industrial dispute between the workman Shri Lehri Khan and the respondent management of M/s Raj Engineering and Foundry, Plot No. 368, Sector 24, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana in his order No. ID/FD-46/85 17866-71, dated 23rd April, 1985, under section 100(c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of service of Shri Lehri Khan was justified and in order? If not, to what relief is he entitled?

The management was already proceeded *ex parte*—*vide* my order dated 30th August 1985. Today is the 3rd opportunity for *ex parte* evidence of the workman. The representative of the workman states that the workman has been duly informed but he does not seem to be interested to pursue this reference. In these circumstances, I find that the workman is not interested to pursue this reference. Hence the award is given that there is no dispute between the parties.

Dated the 13th November, 1985.

R. N. SINGAL
Presiding Officer,
Labour Court, Faridabad.

Endst. No. 3644, dated the 10th December, 1985

Forwarded (four copies) to the Commissioner and Secretary to Government, Haryana, Labour and Employment Department, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

No. 9/584-61.ab/11032.— In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workman and the management of M/s Associated Refractories, village Mujesar, Faridabad.

IN THE COURT OF SHRI R. N. SINGAL, PRESIDING OFFICER, LABOUR COURT,
FARIDABAD

Reference No. 178 of 1985

between

SHRI RAMAI RAM, WORKMAN AND THE RESPONDENT MANAGEMENT OF M/S
ASSOCIATED REFRACTORIES, VILLAGE MUJESAR, FARIDABAD

Present:—

None for the workman.

Shri Satish Ahuja, for the respondent management.

AWARD

This industrial dispute between the workman Shri Ramai Ram and the respondent management of M/s Associated Refractories, village Mujesar, Faridabad, has been referred to this Court by the Hon'ble Governor of Haryana,—*vide* his order No. ID/GO/222-84/11637-62, dated 22nd March, 1985, under section 10(i) (c) of the Industrial Disputes Act, 1947, for adjudication. The terms of the reference are:—

Whether the termination of services of Shri Ramai Ram was justified and in order? If not, to what relief is he entitled?

According to the statement of Shri Satish Ahuja, the workman has settled his dispute,—*vide* settlement Ex. M-1. He has received Rs. 500 in full and final settlement of all his claims, *vide* receipt of payment Ex. M-2 and he has no right of reinstatement/re-employment with the respondent management.

In view of the settlement between the parties, the award is given that the dispute has been fully settled.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.

Dated the 15th November, 1985.

Endst. No. 3645, dated 10th December, 1985.

Forwarded (four copies) to the Commissioner & Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

R. N. SINGAL,
Presiding Officer,
Labour Court, Faridabad.